

REMARKS

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1, 2, 6-7, 9-22 and 25-36 stand in this application. Claims 3-5, 8, 23 and 24 have been canceled without prejudice. Claims 1, 6, 21, 25, 26, 30 and 32 have been amended. Claims 35 and 36 have been previously withdrawn. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended independent claims 1, 6, 21, 25, 26, 30 and 32 in order to facilitate prosecution on the merits.

Examiner Interview

Applicants would like to thank Examiner Phu for conducting a telephone interview with Applicants' representative on May 1, 2007. During the interview, Examiner Phu and Applicants' representative discussed the independent claims, the

applied references, and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

35 U.S.C. § 112

Claim 25 has been rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicant respectfully traverses the rejection based on the above amendments. Claim 25 has been amended to properly depend from claim 21. Therefore, removal of this rejection is respectfully requested. Applicant further submits that the above amendments are made to overcome a § 112 rejection and are not made to overcome the cited references. Accordingly, these amendments should not be construed in a limiting manner.

35 U.S.C. § 102

At page 3, paragraph 4 of the Office Action claims 1, 2, 5-15, 17-23, 25, 26, 28-32 and 34 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 7,016,296 to Hartman ("Hartman"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that Hartman fails to disclose each and every element recited in amendment independent claims 1, 21, 26, 30 and 32. Therefore, Applicant respectfully requests withdraw of the anticipation rejection with respect to the independent claims. Furthermore, Applicant respectfully requests withdrawal of the

anticipation rejection with respect to claims 2, 5-7, 9-20, 22, 23, 25, 27-29 and 31-34 that depend from claims 1, 21, 26, 30 and 32 respectively and therefore contain additional features that further distinguish these claims from Hartman.

35 U.S.C. § 103

At page 16, paragraph 6 of the Office Action claims 16, 27 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartman. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Applicant respectfully submits, as recited above, that Hartman fails to disclose each and every element recited in amendment independent claims 1, 21, 26, 30 and 32. Moreover, Applicant respectfully submits that claims 16, 27 and 33 depend from independent claims 1, 26 and 32 respectively. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to dependent claims 16, 27 and 33 is respectfully requested at least on the basis of their dependency from claims 1, 26, and 32 respectively. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

For at least the reasons given above, claims 16, 27 and 33 are non-obvious and represent patentable subject matter in view of the cited reference. Accordingly, removal of the obviousness rejection with respect to claims 16, 27 and 33 is respectfully requested. Further, Applicant submits that the above-recited novel features provide new

and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. For example, the Office Action has taken Official Notice with respect to at least claims 16, 27 and 33. Applicant respectfully traverses and disagrees with this and every taking of Official Notice presented in the Office Action. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

Appl. No. 10/719,208
Response Dated May 7, 2007
Reply to Office Action of February 8, 2007

Docket No.: 1020.P16292
Examiner: Phu, Sanh D.
TC/A.U. 2618

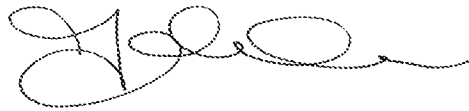
It is believed that claims 1, 2, 5-7, 9-23 and 25-36 are in allowable form.

Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC

A handwritten signature in black ink, appearing to read 'John F. Kacvinsky', with a long horizontal flourish extending to the right.

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: May 7, 2007

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